

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Ari ALASTALO

Application No.: 09765,850

Art Unit: 2661

Filed: January 19, 2001

Examiner: Cangialosi, Salvatore A

Title: APPARATUS, AND ASSOCIATED METHOD, FOR
UTILIZING ANTENNA INFORMATION DETERMINATIVE
OF ANTENNA OPERATION IN A WIRELESS MESH
NETWORKAttention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306**RECEIVED
CENTRAL FAX CENTER
MAR 17 2006**NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,370.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
the form of _____ (Identify type of reply):
- ☐ has been filed previously on _____
- ☐ is enclosed herewith.
- B. The issue fee and publication fee (if applicable) of \$ 1,670.00
- ☐ has been paid previously on _____
- ☒ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 3,040.00

Complete if Known

Application Number 09/765,850
Filing Date January 19, 2001
First Named Inventor Ari ALASTALO
Examiner Name Cangialosi, Salvatore A
Art Unit 2661
Attorney Docket No. 6173/1004US

RECEIVED
CENTRAL FAX CENTER
MAR 17 2006

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
02-4270
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	1,370.00
1453 1,370	2453 685	Petition to revive - unintentional	1,370.00
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) Publication fee			300.00
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			3,040.00

SUBMITTED BY

Name (Print/Type) Robert M. Bauer Registration No. 34,487 Telephone 212 895-2630
Signature [Signature] Date October 28, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7370

06/14/2004

Robert M Bauer
 BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
 900 Third Avenue
 New York, NY 10022

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Robert M. Bauer

(Depositor's name)

(Signature)

October 28, 2004

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,850	01/19/2001	Ari Alexale	NC19047	9241

TITLE OF INVENTION: APPARATUS, AND ASSOCIATED METHOD, FOR UTILIZING ANTENNA INFORMATION DETERMINATIVE OF ANTENNA OPERATION IN A WIRELESS MESH NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370 \$1370	\$300	\$1670 \$1670	09/14/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
CANGIALOSI, SALVATORE A	2661	375-338000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Brown Raysman
 Millstein Felder
 , Steiner

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Nokia Corporation

Espoo, FIN-02150 FINLAND

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee
☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2018 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-4270 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

October 28, 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

03/22/2006 EFLORES1 00000002 024270 09765850

01 FC:1501 1400.00 DA
 02 FC:1504 300.00 DA
 03 FC:8001 9.00 DA

TRANSMIT THIS FORM WITH FEE(S)

LACKENBACH SIEGEL, P.C

Lackenbach Siegel Building
One Chase Road
Scarsdale, New York, U.S.A. 10583

Phone: (914) 723-4300 **RECEIVED**
Fax: (914) 723-4301 **CENTRAL FAX CENTER**
rbauer@lsllp.com
MAR 17 2006

MEMORANDUM

DATE: March 17, 2006

TO: Petitions Office
U.S. Patent and Trademark Office

Facsimile No.: 571 273 8300
No. Pages: 8

FROM: Robert Bauer

RE: Request for Decision on Petition to Revive filed on October 28, 2004 in:
Ari ALASTALO et al., "Apparatus, and Associated Method, for Utilizing Antenna
Information Determinative of Antenna Operation in a Wireless Mesh Network"
Application No. 09/765,850 filed January 19, 20001
Examiner: Salvatore A. Cangialosi Art Unit: 2661
Docket No.: 6173-1004

Dear Sirs,


Attached is a copy of: 1) Petition for Revival; 2) Comments on Examiner's Statement of Reasons for Allowance; and 3) Issue Fee Transmittal, filed in the above patent application on October 28, 2004. Also attached is the "Auto-Reply Facsimile Transmission" that confirms that the materials were received at the U.S. Patent Office.

We have to this date heard nothing from the U.S. Patent Office about this Petition or other documents. We respectfully request that the U.S. Patent Office address the Petition and process these materials without further delay.

Please contact me via telephone if it will help to expedite the matter. Thank you in advance for your careful consideration.

Very truly yours,

LACKENBACH SIEGEL LLP

By: 

ROBERT M. BAUER, ESQ.

Reg. No. 34,487

RMB/as

PTO/SB/64 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<u>Robert M. Bauer</u> Signature	<u>October 28, 2004</u> Date
<u>Robert M. Bauer</u> Typed or printed name	<u>34,487</u> Registration Number, if applicable
<u>900 Third Avenue</u> Address	<u>212-895-2630</u> Telephone Number
<u>New York, NY 10022</u> Address	

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

October 28, 2004
Date

Robert M. Bauer
Signature

Robert M. Bauer
Typed or printed name of person signing certificate

[Page 2 of 2]

Atty. Dkt. 6173/1004US

RECEIVED
CENTRAL FAX CENTER
MAR 17 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Ari ALASTALO et al.
Application No. : 09/765,850
Filing Date : January 19, 2001
Group Art Unit : 2661
Examiner : Cangialosi, Salvatore A
Title : APPARATUS, AND ASSOCIATED METHOD, FOR
UTILIZING ANTENNA INFORMATION DETERMINATIVE
OF ANTENNA OPERATION IN A WIRELESS MESH
NETWORK

October 28, 2004

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria VA 22313-1450

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Sir:

The Examiner's Statement of Reasons for Allowance states that the "prior art of record fails to anticipate or render obvious the claimed combination of a method and apparatus..." Applicants note that U.S. Patent No. 6,640,087 is not prior art because it was filed after the filing date of this application. So that there is no confusion, applicants also wish to make clear that there are no claims directed to the combination of a method and apparatus. There is independent claim 1 directed to an apparatus and a separate independent claim 12 directed to a method.

Atty. Dkt. 6173/1004US

The Statement of Reasons for Allowance also refers to the "manner and complexity explicitly recited in the claims." However, the Statement of Reasons for Allowance repeats most of the language of independent claim 1 (except that it refers to "means" when no such means is in fact recited in claim 1). Consequently, there is no "manner and complexity" in claim 1 in addition to the language of independent claim 1 already contained in the Statement of Reasons for Allowance. Furthermore, independent method claim 12 recites different features than claim 1 and is allowable for different reasons than claim 1 and different reasons than that set forth in the Statement of Reasons for Allowance. Finally, the dependent claims recite features in addition to those set forth in claims 1 or 12, and therefore may be allowable for additional reasons.

Respectfully Submitted,

By:



Robert M. Bauer, Reg. No. 34,487
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
Tel:(212) 895-2000
Fax: (212) 895-2900

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 2128952900

Fax Information

Date Received:

10/28/2004 3:59:52 PM [Eastern Daylight Time]

Total Pages:

7 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

10/28/04 THU 16:56 FAX 2128952900		BROWN RAYSMAN		0001
FACSIMILE COVER SHEET				
From:	Robert M. Reuch, Esq. 212-895-2630	To:	October 28, 2004 6173/1004US	
PLEASE DELIVER AS SOON AS POSSIBLE TO:				
1. Recipient	Company	Fax No.	Phone No.	
Office of Petitions	USPTO	701-872-2306		
Total number of pages including this page: 7 If you do not receive all the pages please call 212-895-2984.				
In re Application of :	Art ALASTALO et al.			
Application No. :	09/765,850			
Filing Date :	January 19, 2001			
Group Art Unit :	2661			
Examiner :	Cangialosi, Salvatore A			
Title :	APPARATUS, AND ASSOCIATED METHOD, FOR UTILIZING ANTENNA INFORMATION DETERMINATIVE OF ANTENNA OPERATION IN A WIRELESS MESH			
Please find enclosed: FEE TRANSMITTAL, PETITION FOR REVIVAL, COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE, ISSUE FEE TRANSMITTAL				